

**IN THE CLAIMS:**

Amend the claims as follows:

1. (Currently Amended) A method for expressing in a non-monocotyledonous plant or plant cell a nucleic acid operably linked to a regulatory sequence, wherein said regulatory sequence is selected from:

(i) SEQ ID NO:1,

(ii) a functional fragment of SEQ ID NO:1, or

(iii) a functional variant of SEQ ID NO:1, wherein said functional variant hybridizes to SEQ ID NO:1 under stringent conditions,  
said method comprising the introduction of said nucleic acid operably linked to  
said regulatory sequence into a non-monocotyledonous plant or plant cell, and wherein  
said regulatory sequence drives expression of said nucleic acid Use of an isolated  
regulatory nucleic acid sequence comprising a regulatory sequence as represented in  
SEQ ID NO 1 or a functional fragment or a functional variant thereof, for driving  
expression of an associated nucleic acid sequence in a non-monocotyledonous plant or  
plant cell.

2. (Currently Amended) A method for expressing an endogenous nucleic acid in  
a non-monocotyledonous plant or plant cell, which method comprises introducing into  
this plant or plant cell a regulatory sequence selected from:

(i) SEQ ID NO:1,

(ii) a functional fragment of SEQ ID NO:1, or

(iii) a functional variant of SEQ ID NO:1, wherein said functional variant  
hybridizes to SEQ ID NO:1 under stringent conditions,

such that the regulatory sequence is operably linked to said endogenous nucleic acid sequence, and wherein said regulatory sequence drives expression of said endogenous nucleic acid. Use of an isolated regulatory nucleic acid sequence according to claim 1, wherein said associated nucleic acid sequence is an isolated nucleic acid sequence or a nucleic acid sequence endogenous to the host cell in which said isolated regulatory nucleic acid sequence is introduced.

3. (Currently Amended) A non-monocotyledonous plant cell comprising or having stably integrated into its genome a recombinant nucleic acid as represented in SEQ ID NO 1 or a functional fragment or a functional variant thereof, wherein said functional variant hybridizes to SEQ ID NO:1 under stringent conditions.

4. (Currently Amended) A non-monocotyledonous plant cell according to claim 3, wherein said non-monocotyledonous plant cell is derived from a fodder or forage legume cell, an ornamental plant cell, a food crop cell, a tree cell or a shrub cell, preferably from cotton, potato, tomato, cabbage, sugar beet, soybean, bean, sunflower or peas.

5. (Currently Amended) A plant cell culture, callus or a plant consisting essentially or in part of comprising a plant [[cells]]cell according to claim 3.

6. (Currently Amended) A harvestable part, organ, tissue or propagation material of [[a]] the plant cell culture, callus or plant according to claim 5.

7. (Currently Amended) Method for expression of a nucleic acid sequence in a non-monocotyledonous plant or plant cell, said method comprising introducing into said plant or plant cell [[a]] the regulatory sequence represented by SEQ ID NO 1 or a functional fragment or functional variant thereof, wherein said regulatory sequence is

~~capable of driving expression of operably linked to said nucleic acid sequence which is either an isolated or an endogenous nucleic acid sequence, and wherein said regulatory sequence drives expression of said nucleic acid.~~

8. (new) A non-monocotyledonous plant cell according to claim 4, wherein said non-monocotyledonous plant cell is a cotton cell, a potato cell, a tomato cell, a cabbage cell, a sugar beet cell, a soybean cell, a bean cell, a sunflower cell or a pea cell.

9. (new) The method according to claim 1 wherein said stringent conditions comprise hybridization at a temperature of between 60°C and 65°C in 0.3 strength citrate buffer saline containing 0.1% SDS followed by rinsing at the same temperature with 0.3 strength citrate buffer saline containing 0.1% SDS.

10. (new) The method according to claim 2 wherein said stringent conditions comprise hybridization at a temperature of between 60°C and 65°C in 0.3 strength citrate buffer saline containing 0.1% SDS followed by rinsing at the same temperature with 0.3 strength citrate buffer saline containing 0.1% SDS.

11. (new) The non-monocotyledonous plant cell according to claim 3 wherein said stringent conditions comprise hybridization at a temperature of between 60°C and 65°C in 0.3 strength citrate buffer saline containing 0.1% SDS followed by rinsing at the same temperature with 0.3 strength citrate buffer saline containing 0.1% SDS.